

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-2, 4-7, and 9-11 will be pending. By this amendment, claim 8 has been canceled; claims 1-2, 4-7, and 9 have been amended; and claims 10 and 11 have been added. No new matter has been added.

§112 Rejection of 1-2 and 4-9

In Section 9 of the Office Action, claims 1-2 and 4-9 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 9 have been amended to address the rejection.

Accordingly, it is submitted that the rejection of claims 1-2 and 4-9 based upon 35 U.S.C. §112, second paragraph, has been obviated and withdrawal thereof is respectfully requested.

§ 102 Rejection of Claims 1-2 and 6-9

In Section 14 of the Office Action, claims 1-2 and 6-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yamauchi *et al.* (U.S. Patent No. 6,047,103; hereinafter referred to as “Yamauchi”). Claims 1 and 9 have been amended to address the rejection.

In the Background section of the Specification, it was stated that “[u]sers who stored desired music data into a portable device can disconnect it from the personal computer and carry it about to reproduce the music data at any desired places.” *Background of the Specification, page 1, lines 21-24*. “Some portable devices are adapted to detachably accommodate a memory card such as the Memory Stick (trademark) for storing music data. ... However, storing music data into a memory card which cross-authenticates with a portable device must load this memory

card into this portable device connected to a personal computer before storing music data, thereby requiring cumbersome operations.” *Background of the Specification, page 2, lines 1-13.* Therefore, the Background section indicates that the portable device must be connected to the computer to cross authenticate the computer with the portable device and allow the computer to download the (copyrighted) data from the computer to the memory card.

To address the above-described shortcomings of the conventional configuration, embodiments of the present invention provide a capability for cross authenticating a memory card with a general purpose computer storing copyrighted music data. For example, the structure of a memory card of claim 11, as presented herein, includes:

“An external memory card for storing copyrighted music data, the memory card comprising:

a memory card driver for cross authenticating said external memory card with a general-purpose computer, said general-purpose computer including a controller and an internal memory storing the copyrighted music data; and

a memory card processor for receiving the copyrighted music data from said internal memory of said general-purpose computer, and directly storing the received copyrighted music data into the authenticated external memory card under the control of said controller,

wherein said copyrighted music data stored in said external memory card is played on a portable music playing device, after the copyrighted music data has been transferred from said internal memory of said general-purpose computer into the authenticated external memory card, by connecting said external memory card to said portable music playing device.”

(emphasis added)

Accordingly, in one aspect of claim 11, the memory card comprises at least a driver that cross authenticates the memory card with the computer so that the copyrighted music data is directly transferred from the computer to the memory card, and the copyrighted music data can

be played later on a portable music playing device by connecting the memory card to the portable music playing device. See *Specification*, page 20, lines 5-14; and page 33, line 14 to page 34, line 5.

By contrast, Yamauchi states that “[a] data transmitting device capable of performing copyright protection processing” includes “an authentication section for authenticating whether [or] not the data receiving device is a proper data receiving device having a function of converting digital data into video data based on authentication data output from the data receiving device.” *Abstract of Yamauchi*. The authentication section of Yamauchi only verifies that the data receiving device is a proper data receiving device. Thus, using the data transmitting device of Yamauchi would require the connection of the data receiving device (i.e., the portable device) in order to authenticate that the proper data receiving device is connected. The memory card of claim 11 is configured to address the shortcomings of the conventional configuration, wherein the memory card can be used to cross authenticate and download copyrighted music data from the computer to the memory card, and wherein the downloaded music data can be played later on the portable device by connecting the memory card to the portable device.

Based on the foregoing discussion, it is maintained that claim 11 should be allowable over Yamauchi. Since independent claims 1 and 9 closely parallel, and recite substantially similar limitations as recited in, claim 11, claims 1 and 9 should also be allowable over Yamauchi. Further, since claims 2 and 6-7 depend from claim 1, claims 2 and 6-7 should also be allowable over Yamauchi. Claim 8 has been canceled.

Accordingly, it is submitted that the Examiner’s rejection of claims 1-2 and 6-9 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 4 and 5

In Sections 22 and 23 of the Office Action, claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamauchi in view of Doi (U.S. Patent No. 5,432,947).

Based on the foregoing discussion regarding claim 1, and since claims 4 and 5 depend from claim 1, claims 4 and 5 should also be allowable over Yamauchi. Further, Doi was merely cited for teaching that supply voltages to any device can be individually controlled. Therefore, Yamauchi and Doi, individually or in combination, fail to teach or suggest all the limitations of claims 4 and 5.

Accordingly, it is submitted that the rejection of claims 4 and 5 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claims 10 and 11

Claim 10 depends from claim 9. Claim 11 has been discussed above. Therefore, based on the foregoing discussion, claims 10 and 11 should be allowable over the cited prior art references.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-2, 4-7, and 9-11 are respectfully solicited.

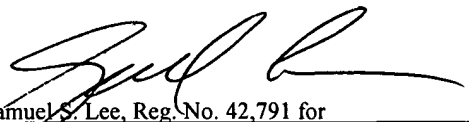
In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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